UNITED STATES DISTRICT OF	FNEW YORK	
TYCO INTERNATIONAL,		: :
	Plaintiffs/Counterclaim Defendants,	: No. 02 Civ. 7317 (TPG) : ECF CASE :
v.		: :
L. DENNIS KOZLOWSKI,		: :
	Defendant/Counterclaim Plaintiff.	: :
		A

ASSENTED-TO MOTION TO MODIFY NOVEMBER 23, 2010 AMENDED AND RESTATED PRELIMINARY INJUNCTION ORDER

Defendant/Counterclaim Plaintiff L. Dennis Kozlowski, with the assent of Plaintiffs/Counterclaim Defendants Tyco International Ltd. and Tyco International (U.S.) Inc., respectfully moves for a modification of the Amended and Restated Preliminary Injunction, entered by the U.S. District Court for the Southern District of New York on November 23, 2010, imposing certain restraints on transfers of Mr. Kozlowski's assets (the "Preliminary Injunction Order"). In support of this motion, Mr. Kozlowski states as follows:

- 1. On or about July 24, 2003, Rosemarie Stumpf, on behalf of herself and all others similarly situated, commenced a lawsuit in the U.S. District Court for the District of New Jersey, captioned *Stumpf v. Garvey, et al.*, Civ. No. 3:03-cv-03540-GEB-DEA, asserting claims against Mr. Kozlowski, among other defendants, for alleged violations of the federal securities laws, among other causes of action (the "TyCom Action").
- 2. In order to avoid the costs and uncertainties of litigation, and without any admission of liability or wrongdoing, Mr. Kozlowski has reached an agreement with plaintiffs in

the TyCom Action to settle all claims asserted or that could have been asserted in the TyCom

Action. The agreement requires Mr. Kozlowski to pay \$45,000 to plaintiffs in the TyCom

Action.

3. Mr. Kozlowski therefore respectfully seeks a modification of the Preliminary

Injunction Order to permit Mr. Kozlowski to transfer \$45,000 to counsel for plaintiffs in the

TyCom Action, separate from and in addition to any and all other transfers permitted under the

Preliminary Injunction Order.

Plaintiffs/Counterclaim Defendants Tyco International Ltd. and Tyco

International (U.S.) Inc. have assented to the relief requested.

WHEREFORE, L. Dennis Kozlowski respectfully requests this Honorable Court

grant the following relief:

A. Modify the Preliminary Injunction Order to permit Mr. Kozlowski to

transfer \$45,000 to counsel for plaintiffs in the TyCom Action, separate from and in addition to

any and all other transfers permitted under the Preliminary Injunction Order; and

B. Grant such other relief as may be just.

Dated: January 13, 2011

New York, New York

Respectfully submitted,

/s/ [Robert N. Shwartz]

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